

SENATE BILL 710

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HB 528/03 - W&M

2004 Regular Session  
4lr2894  
CF 4lr0685

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By: **Senators Kelley, Della, Gladden, Grosfeld, Hogan, Hollinger, Lawlah,  
and Teitelbaum**

Introduced and read first time: February 6, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Children in Out-of-Home Placement - Uniform System of**  
3 **Outcomes Evaluation**

4 FOR the purpose of requiring the Department of Juvenile Services, the Department of  
5 Human Resources, the Department of Health and Mental Hygiene, the  
6 Developmental Disabilities Administration, and the State Department of  
7 Education to develop, test, and implement a certain systematic evaluation of  
8 services provided to children in out-of-home placement; providing for the  
9 Department of Juvenile Services to serve as the lead agency to develop the  
10 uniform system of outcomes evaluation; providing for the Department of Human  
11 Resources, the Department of Health and Mental Hygiene, the Developmental  
12 Disabilities Administration, and the State Department of Education to serve as  
13 cooperating departments; establishing the purpose of the system as a method of  
14 evaluating the value of services to children in out-of-home placement and the  
15 resulting outcomes for the children; requiring the departments to consult with  
16 certain resources in higher education in developing and implementing the  
17 system; requiring the departments to maintain the confidentiality of certain  
18 personal information concerning children in out-of-home placement; requiring  
19 the cooperating departments to facilitate the participation of their residential  
20 facilities and the facilities operated by private agencies with which the  
21 cooperating departments contract in providing necessary data to the system;  
22 requiring the departments to meet certain completion and implementation goals  
23 on or before certain dates; requiring the Governor and secretary of each  
24 cooperating department to include certain funds in the budget for each  
25 department; requiring the departments to submit certain reports to the General  
26 Assembly on or before certain dates; requiring the cooperation of certain  
27 departments in developing the system; defining certain terms; making a  
28 stylistic change; and generally relating to developing a uniform system of  
29 evaluating the performance of services to and resulting outcomes for children in  
30 out-of-home placement.

31 BY adding to  
32 Article 83C - Juvenile Services  
33 Section 2-125.1

1 Annotated Code of Maryland  
2 (2003 Replacement Volume)

3 BY adding to  
4 Article - Education  
5 Section 8-418  
6 Annotated Code of Maryland  
7 (2001 Replacement Volume and 2003 Supplement)

8 BY repealing and reenacting, without amendments,  
9 Article - Family Law  
10 Section 5-101 and 5-501(m), (n), and (o)  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2003 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Family Law  
15 Section 5-506  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2003 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article - Health - General  
20 Section 1-101(a), (c), and (j), 7-101(a), (b), (f), (h), and (p), 7-602, 10-101(a), (b),  
21 (d), (e), (h), and (i), and 10-920  
22 Annotated Code of Maryland  
23 (2000 Replacement Volume and 2003 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article - Health - General  
26 Section 7-303 and 10-204  
27 Annotated Code of Maryland  
28 (2000 Replacement Volume and 2003 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
30 MARYLAND, That the Laws of Maryland read as follows:

31 **Article 83C - Juvenile Services**

32 2-125.1.

33 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
34 INDICATED.

1 (2) (I) "COOPERATING DEPARTMENT" MEANS EACH UNIT OF THE  
2 STATE GOVERNMENT RESPONSIBLE FOR OUT-OF-HOME PLACEMENT OF CHILDREN.

3 (II) "COOPERATING DEPARTMENT" INCLUDES THE DEPARTMENT  
4 OF HUMAN RESOURCES, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE  
5 DEVELOPMENTAL DISABILITIES ADMINISTRATION, THE MENTAL HYGIENE  
6 ADMINISTRATION, THE STATE DEPARTMENT OF EDUCATION, AND THE DEPARTMENT  
7 OF JUVENILE SERVICES.

8 (3) "LEAD DEPARTMENT" MEANS THE DEPARTMENT OF JUVENILE  
9 SERVICES.

10 (4) (I) "OUT-OF-HOME PLACEMENT" MEANS:

11 1. THE REMOVAL OF A CHILD FROM THE CHILD'S FAMILY;  
12 AND

13 2. THE PLACEMENT OF THE CHILD BY AN AUTHORIZED  
14 AGENCY OR COURT IN A PUBLIC OR PRIVATE FACILITY OR WITH OTHER PERSONS  
15 WHO ASSUME RESPONSIBILITY FOR THE DAILY CARE, SUPERVISION, TREATMENT,  
16 AND EDUCATION OF THE CHILD.

17 (II) "OUT-OF-HOME PLACEMENT" INCLUDES FOSTER CARE,  
18 RESIDENTIAL GROUP CARE, RESIDENTIAL TREATMENT CARE, A RESIDENTIAL  
19 EDUCATIONAL FACILITY, A PRIVATE THERAPEUTIC GROUP HOME, OR RESIDENTIAL  
20 TREATMENT CARE.

21 (III) "OUT-OF-HOME PLACEMENT" DOES NOT INCLUDE KINSHIP  
22 CARE.

23 (5) "SYSTEM FOR OUTCOMES EVALUATION" MEANS AN OBJECTIVE,  
24 STANDARDIZED, AND UNIFORM METHOD OF MEASURING THE EFFECTIVENESS OF  
25 PROGRAMS SERVING THE NEEDS OF CHILDREN IN OUT-OF-HOME PLACEMENT.

26 (B) (1) THE LEAD DEPARTMENT AND THE COOPERATING DEPARTMENTS  
27 SHALL DEVELOP A SYSTEM FOR OUTCOMES EVALUATION.

28 (2) THE LEAD DEPARTMENT IS RESPONSIBLE FOR COORDINATING THE  
29 PLANNING AND IMPLEMENTATION OF THE SYSTEM FOR OUTCOMES EVALUATION.

30 (3) THE SYSTEM FOR OUTCOMES EVALUATION SHALL BE DEVELOPED  
31 TO ALLOW THE STATE TO:

32 (I) MONITOR THE CARE, SUPERVISION, EDUCATION, AND  
33 TREATMENT IN STATE-OPERATED AND STATE-SUPPORTED PROGRAMS SO THAT  
34 SUCCESSFUL SERVICES TO CHILDREN IN OUT-OF-HOME PLACEMENT CAN BE  
35 EXPANDED AND SERVICES THAT DO NOT PRODUCE POSITIVE RESULTS CAN BE  
36 IDENTIFIED;

1 (II) EVALUATE THE OUTCOMES OF THE CHILDREN AT 6-MONTH  
2 AND 12-MONTH INTERVALS FOLLOWING DISCHARGE FROM OUT-OF-HOME  
3 PLACEMENT TO DETERMINE WHICH SERVICES BEST ENABLED THE CHILDREN TO  
4 MAINTAIN HEALTHY FUNCTIONING IN THEIR COMMUNITY AND STAY OUT OF THE  
5 JUVENILE SERVICES SYSTEM; AND

6 (III) EFFECTIVELY ALLOCATE ITS RESOURCES, BASED ON  
7 DEMONSTRATED OUTCOMES.

8 (C) (1) THE SYSTEM OF OUTCOMES EVALUATION SHALL USE MEASURES OF  
9 FUNCTION TO EVALUATE THE CHILD'S:

10 (I) PROTECTION FROM HARM WHILE IN OUT-OF-HOME  
11 PLACEMENT;

12 (II) STABILITY OF LIVING ENVIRONMENT;

13 (III) FAMILY SITUATION AND EFFORTS TO TREAT AND COUNSEL  
14 THE FAMILY UNIT;

15 (IV) EDUCATIONAL OR VOCATIONAL DEVELOPMENT;

16 (V) JOB SKILLS AND EMPLOYMENT READINESS;

17 (VI) CESSATION OF DRUG AND ALCOHOL ABUSE;

18 (VII) LEARNING TO NOT BE AGGRESSIVE; AND

19 (VIII) DELINQUENCY STATUS.

20 (2) THE LEAD DEPARTMENT AND COOPERATING DEPARTMENTS SHALL  
21 CONSULT WITH THE UNIVERSITY OF MARYLAND SCHOOL OF SOCIAL WORK IN  
22 DEVELOPING AND IMPLEMENTING THE SYSTEM OF OUTCOMES EVALUATION.

23 (3) THE LEAD DEPARTMENT SHALL ASSURE THAT THE CENTRALIZED  
24 DATABASE USED IN THE SYSTEM MAINTAINS CONFIDENTIALITY OF INFORMATION  
25 ON THE CHILDREN FROM THE COOPERATING DEPARTMENTS.

26 (D) (1) A COOPERATING DEPARTMENT SHALL FACILITATE THE  
27 PARTICIPATION OF RESIDENTIAL FACILITIES OPERATED BY THE DEPARTMENT OR  
28 PRIVATE AGENCIES WITH WHICH A DEPARTMENT HAS A CONTRACT FOR THE  
29 PLACEMENT OF CHILDREN IN OUT-OF-HOME CARE.

30 (2) A COOPERATING DEPARTMENT SHALL INCLUDE IN ITS CONTRACT  
31 WITH A PRIVATE LICENSED OUT-OF-HOME PLACEMENT FACILITY PROVISIONS  
32 REQUIRING THE FACILITY TO COLLECT AND REPORT TO THE DEPARTMENT:

33 (I) CHILD SPECIFIC DEMOGRAPHIC INFORMATION; AND

34 (II) DATA NECESSARY TO EVALUATE CHANGES IN FUNCTIONING  
35 OF THE CHILD AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

1 (3) WHEN REPORTING DEMOGRAPHIC INFORMATION AND DATA UNDER  
2 PARAGRAPH (2) OF THIS SUBSECTION, A COOPERATING DEPARTMENT SHALL:

3 (I) NOT DISCLOSE PERSONAL IDENTIFIERS; AND

4 (II) ENSURE THE CONFIDENTIALITY OF THE INFORMATION ABOUT  
5 THE CHILDREN UNDER ITS RESPONSIBILITY.

6 (E) (1) ON OR BEFORE JULY 31, 2005, THE LEAD DEPARTMENT AND THE  
7 COOPERATING DEPARTMENTS SHALL HAVE PLANNED AND DEVELOPED THE  
8 UNIFORM SYSTEM FOR OUTCOMES EVALUATION.

9 (2) ON OR BEFORE JULY 31, 2006, THE LEAD DEPARTMENT AND THE  
10 COOPERATING DEPARTMENTS SHALL TEST THE FUNCTIONALITY OF THE SYSTEM  
11 DEVELOPED IN ACCORDANCE WITH SUBSECTION (C) AND MAKE NECESSARY  
12 CHANGES TO ENSURE THE SYSTEM'S FUNCTIONALITY.

13 (3) ON OR BEFORE DECEMBER 31, 2008, THE LEAD DEPARTMENT AND  
14 THE COOPERATING DEPARTMENTS SHALL ENSURE THAT ALL OUT-OF-HOME  
15 PLACEMENT FACILITIES, INCLUDING RESIDENTIAL CHILD CARE FACILITIES AND  
16 RESIDENTIAL TREATMENT CENTERS, PARTICIPATE IN THE UNIFORM SYSTEM FOR  
17 OUTCOMES EVALUATION.

18 (F) THE GOVERNOR AND THE SECRETARY OF EACH COOPERATING  
19 DEPARTMENT SHALL INCLUDE IN EACH YEAR'S BUDGET FOR THE DEPARTMENT THE  
20 FUNDS REQUIRED TO PLAN, DEVELOP, TEST, AND IMPLEMENT THE SYSTEM OF  
21 OUTCOMES EVALUATION.

22 (G) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON OR  
23 BEFORE SEPTEMBER 1, 2004, AND ON OR BEFORE SEPTEMBER 1 OF EACH YEAR  
24 THEREAFTER, THE LEAD DEPARTMENT AND THE COOPERATING DEPARTMENTS  
25 SHALL SUBMIT A JOINT REPORT TO THE GENERAL ASSEMBLY ON THE PROGRESS OF  
26 DEVELOPING, TESTING, AND IMPLEMENTING THE SYSTEM FOR OUTCOMES  
27 EVALUATION FOR OUT-OF-HOME PLACEMENT OF CHILDREN.

28 **Article - Education**

29 8-418.

30 AS PROVIDED IN ARTICLE 83C, § 2-125.1 OF THE CODE, THE DEPARTMENT SHALL  
31 COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM SYSTEM OF  
32 EVALUATING THE SUCCESS OF SERVICES TO CHILDREN IN OUT-OF-HOME  
33 PLACEMENT.

34 **Article - Family Law**

35 5-101.

36 In this title, "Department" means the Department of Human Resources.

1 5-501.

2 (m) "Out-of-home placement" means placement of a child into foster care,  
3 kinship care, group care, or residential treatment care.

4 (n) "Residential educational facility" means:

5 (1) a facility that:

6 (i) provides special education and related services for students  
7 with disabilities;

8 (ii) holds a certificate of approval issued by the State Board of  
9 Education; and

10 (iii) provides continuous 24-hour care and supportive services to  
11 children in a residential setting; or

12 (2) one of the following schools:

13 (i) the Benedictine School;

14 (ii) the Linwood School;

15 (iii) the Maryland School for the Blind; or

16 (iv) the Maryland School for the Deaf.

17 (o) "Residential treatment care" means continuous 24-hour care and  
18 supportive services for a minor child placed in a facility that provides formal  
19 programs of basic care, social work, and health care services.

20 5-506.

21 (a) The General Assembly intends that:

22 (1) all children whose care is the responsibility of this State shall have  
23 similar protection in terms of health, safety, and quality of care; and

24 (2) the rules and regulations of agencies that are charged with child care  
25 shall be comparable.

26 (b) In addition to other rules and regulations adopted under this title, the  
27 Department may adopt rules and regulations to carry out §§ 5-507, 5-508, 5-509, and  
28 5-509.1 of this subtitle, which relate to the licensing of child placement agencies,  
29 child care homes, child care institutions, and residential educational facilities.

30 (c) (1) By rule or regulation, the Department may delegate authority to local  
31 departments and licensed child placement agencies to issue licenses or approve  
32 applicants for licenses under this subtitle.

1 (2) Any rule or regulation adopted by the Department under this  
2 subsection shall provide for an appeal to an administrative appellate authority from a  
3 decision of a local department or licensed child placement agency.

4 (d) (1) A child placement agency, child care home, child care institution, or  
5 residential educational facility may not be required to obtain a license from more  
6 than [1] ONE State agency.

7 (2) Any State agency authorized to license child placement agencies,  
8 child care homes, child care institutions, or residential educational facilities may  
9 make cooperative arrangements with any other State agency to give effect to  
10 paragraph (1) of this subsection.

11 (E) AS PROVIDED IN ARTICLE 83C, § 2-125.1 OF THE CODE, THE DEPARTMENT  
12 SHALL COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM SYSTEM OF  
13 EVALUATING THE SUCCESS OF SERVICES TO CHILDREN IN OUT-OF-HOME  
14 PLACEMENT.

15 **Article - Health - General**

16 1-101.

17 (a) In this article the following words have the meanings indicated.

18 (c) "Department" means the Department of Health and Mental Hygiene.

19 (j) "Secretary" means the Secretary of Health and Mental Hygiene.

20 7-101.

21 (a) In this title the following words have the meanings indicated.

22 (b) "Administration" means the Developmental Disabilities Administration.

23 (f) "Director" means the Director of the Developmental Disabilities  
24 Administration.

25 (h) "Group home" means a residence that:

26 (1) Provides residential services for individuals who, because of  
27 developmental disability, require specialized living arrangements;

28 (2) Admits at least 4 but not more than 8 individuals; and

29 (3) Provides 10 or more hours of supervision per home, per week.

30 (p) "State residential center" means a place that:

31 (1) Is owned and operated by this State;

1           (2)     Provides residential services for individuals with mental retardation  
2 and who, because of mental retardation, require specialized living arrangements; and

3           (3)     Admits 9 or more individuals with mental retardation.

4 7-303.

5     (a)     Through the Developmental Disabilities Administration, the Secretary  
6 shall establish and carry out a State plan to provide the following training and  
7 habilitation services:

8           (1)     For individuals with developmental disability:

9                   (i)     Day habilitation services;

10                  (ii)    Family support services;

11                  (iii)   Individual support services;

12                  (iv)    Prevention and early detection of disabilities;

13                  (v)     Residential services in community-based settings;

14                  (vi)    Services coordination;

15                  (vii)   Services in State residential centers;

16                  (viii)   Services to insure protection of the individual rights and  
17 liberties of individuals with developmental disability;

18                  (ix)     Vocational services;

19                  (x)     Community supported living arrangements services; and

20                  (xi)     Any other services that may be necessary to permit delivery of  
21 the services under this subsection.

22           (2)     For individuals without developmental disability, but who meet the  
23 eligibility requirements of § 7-403 of this title, individual support services.

24     (b)     The Secretary periodically shall revise the State plan, but not less than  
25 every 2 years, to reflect changes in need, current available services, priorities, and  
26 any other changes that may affect the need for or scope of care and services.

27     (C)     AS PROVIDED IN ARTICLE 83C, § 2-125.1 OF THE CODE, THE DEPARTMENT  
28 SHALL COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM SYSTEM OF  
29 EVALUATING THE SUCCESS OF SERVICES TO CHILDREN IN OUT-OF-HOME  
30 PLACEMENT.

1 7-602.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) "Private group home" means a group home that is not a public group home,  
4 whether or not public funds are used to finance, wholly or partly, the acquisition,  
5 construction, improvement, rehabilitation, maintenance, or operation of the group  
6 home.

7 (c) "Public group home" means a group home that is owned by or leased to this  
8 State or a political subdivision of this State, whether or not this group home is  
9 maintained and operated by a private, nonprofit person.

10 10-101.

11 (a) In this title the following words have the meanings indicated.

12 (b) "Administration" means the Mental Hygiene Administration.

13 (d) "Director" means the Director of Mental Hygiene.

14 (e) (1) Except as otherwise provided in this title, "facility" means any public  
15 or private clinic, hospital, or other institution that provides or purports to provide  
16 treatment or other services for individuals who have mental disorders.

17 (2) "Facility" does not include a Veterans' Administration hospital.

18 (h) "State facility" means a facility that is owned or operated by the  
19 Department.

20 (i) "Treatment" means any professional care or attention that is given in a  
21 facility, private therapeutic group home for children and adolescents, or Veterans'  
22 Administration hospital to improve or to prevent the worsening of a mental disorder.  
23 10-204.

24 (a) The Director is responsible for carrying out the powers, duties, and  
25 responsibilities of the Administration.

26 (b) The Director is responsible for supervising the custody, care, and  
27 treatment of individuals who have mental disorders.

28 (c) (1) The Director shall:

29 (i) Organize and manage the Administration in a manner that will  
30 enable it best to discharge its duties; and

31 (ii) Appoint the number of assistant directors and staff provided in  
32 the State budget.

1           (2)     The Director may remove an assistant director for incompetence or  
2 misconduct.

3           (3)     Unless expressly provided otherwise by law, the Director may assign  
4 to any subordinate unit or individual in the Administration any function that is  
5 imposed by law on the Director.

6       (d)     (1)     The Director shall submit to the Governor and the Secretary an  
7 annual report on the activities of the Administration.

8           (2)     The report shall be in the form and contain the information that the  
9 Governor requires.

10       (e)     (1)     The Director shall provide facilities for the care and treatment of  
11 individuals who have mental disorders.

12           (2)     AS PROVIDED IN ARTICLE 83C, § 2-125.1 OF THE CODE, THE  
13 DEPARTMENT SHALL COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM  
14 SYSTEM OF EVALUATING THE SUCCESS OF SERVICES TO CHILDREN AND  
15 ADOLESCENTS IN OUT-OF-HOME PLACEMENT.

16       (f)     (1)     The Director shall establish programs for research and development  
17 of care and treatment for individuals who have mental disorders.

18           (2)     The Director may provide money for a public or nonprofit  
19 organization to carry out pilot or demonstration projects.

20       (g)     The Director shall administer grants, gifts, trusts, and similar funds that  
21 are available for use by the Administration.

22 10-920.

23     In Part IV of this subtitle "private therapeutic group home" means a small  
24 private group home as defined in § 10-514(e) of this title that provides residential  
25 child care, as well as access to a range of diagnostic and therapeutic mental health  
26 services, to be identified under the requirements of § 10-924 of this article, for  
27 children and adolescents who are in need of such treatments.

28     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 June 1, 2004.